

HOUSE BILL 678

N1

2lr1640
CF SB 591

By: **Delegates Niemann and McMillan**
Introduced and read first time: February 8, 2012
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Manufactured Homes – Conversion to and Severance from**
3 **Real Property**

4 FOR the purpose of providing for the conversion of a manufactured home to real
5 property under certain circumstances; requiring a certain affidavit of conversion
6 to contain certain information and statements; requiring an affidavit of
7 conversion to be recorded under certain circumstances; providing that a
8 recorded affidavit of conversion has no legal effect under certain circumstances;
9 requiring the owner of a manufactured home that is to be severed from real
10 property to file an affidavit of severance under certain circumstances; requiring
11 an affidavit of severance to contain certain information and statements;
12 requiring an affidavit of severance to be recorded under certain circumstances;
13 defining certain terms; and generally relating to manufactured homes and the
14 conversion to and severance from real property.

15 BY adding to

16 Article – Real Property
17 Section 8B–101 through 8B–302 to be under the new title “Title 8B.
18 Manufactured Homes”
19 Annotated Code of Maryland
20 (2010 Replacement Volume and 2011 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Real Property**

24 **TITLE 8B. MANUFACTURED HOMES.**

25 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **8B-101.**

2 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) "ATTACHED TO A PERMANENT FOUNDATION" MEANS ANCHORED TO
5 REAL PROPERTY BY ATTACHMENT TO A PERMANENT FOUNDATION AND
6 CONNECTED TO UTILITIES, INCLUDING WATER, GAS, ELECTRICITY, OR SEWER
7 OR SEPTIC SERVICE.

8 (C) "CONVERT" MEANS TO MAKE A MANUFACTURED HOME THAT IS
9 ATTACHED TO A PERMANENT FOUNDATION CONSIDERED AS PERMANENTLY
10 AFFIXED TO A PARCEL OF REAL PROPERTY AND TREATED AS AN INTEGRAL PART
11 OF THE PARCEL.

12 (D) (1) "MANUFACTURED HOME" MEANS A STRUCTURE THAT IS:

13 (I) TRANSPORTABLE IN ONE OR MORE SECTIONS;

14 (II) 1. IN THE TRAVELING MODE, 8 BODY FEET IN WIDTH
15 OR MORE OR 40 BODY FEET IN LENGTH OR MORE; OR

16 2. AS ERECTED ON SITE, 320 SQUARE FEET OR
17 MORE;

18 (III) BUILT ON A PERMANENT CHASSIS; AND

19 (IV) DESIGNED TO BE USED AS A DWELLING, WITH OR
20 WITHOUT A PERMANENT FOUNDATION, WHEN CONNECTED TO UTILITIES.

21 (2) "MANUFACTURED HOME" INCLUDES THE PLUMBING,
22 HEATING, AIR-CONDITIONING, AND ELECTRICAL SYSTEMS CONTAINED IN THE
23 STRUCTURE.

24 (3) "MANUFACTURED HOME" DOES NOT INCLUDE A
25 SELF-PROPELLED RECREATIONAL VEHICLE.

26 (E) "OWNER" MEANS A PERSON THAT HAS AN OWNERSHIP INTEREST IN
27 A MANUFACTURED HOME.

1 **(F) “SEVER” MEANS TO SEPARATE A MANUFACTURED HOME THAT HAS**
2 **BEEN CONVERTED TO REAL PROPERTY FROM THE PARCEL OF REAL PROPERTY**
3 **TO WHICH IT HAS BEEN AFFIXED.**

4 **8B-102.**

5 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ON**
6 **SATISFACTION OF THE REQUIREMENTS OF SUBTITLE 2 OF THIS TITLE:**

7 **(1) A MANUFACTURED HOME SHALL BE:**

8 **(I) CONVERTED TO REAL PROPERTY; AND**

9 **(II) GOVERNED BY THE LAWS APPLICABLE TO REAL**
10 **PROPERTY AND NOT SUBJECT TO TITLE 13 OF THE TRANSPORTATION ARTICLE;**

11 **(2) ANY MORTGAGE, DEED OF TRUST, LIEN, OR SECURITY**
12 **INTEREST THAT CAN ATTACH TO REAL PROPERTY SHALL ATTACH IN THE SAME**
13 **MANNER TO A MANUFACTURED HOME THAT IS CONVERTED TO REAL PROPERTY**
14 **AS TO THE PARCEL OF REAL PROPERTY TO WHICH THE MANUFACTURED HOME**
15 **HAS BEEN AFFIXED; AND**

16 **(3) THE TITLE AND ALL RIGHTS TO A MANUFACTURED HOME**
17 **SHALL BE TRANSFERRED BY DEED WITH THE TRANSFER OF THE PARCEL OF**
18 **REAL PROPERTY TO WHICH THE MANUFACTURED HOME HAS BEEN AFFIXED.**

19 **(B) THIS SECTION DOES NOT APPLY TO A MANUFACTURED HOME FOR**
20 **WHICH AN AFFIDAVIT OF SEVERANCE HAS BEEN RECORDED UNDER § 8B-302**
21 **OF THIS TITLE.**

22 **8B-103.**

23 **EXCEPT AS PROVIDED UNDER SUBTITLE 2 OF THIS TITLE, AN AFFIDAVIT**
24 **OF CONVERSION IS NOT NECESSARY TO CONVEY OR ENCUMBER A**
25 **MANUFACTURED HOME.**

26 **SUBTITLE 2. CONVERSION TO REAL PROPERTY.**

27 **8B-201.**

28 **A MANUFACTURED HOME SHALL BE CONVERTED TO REAL PROPERTY**
29 **WHEN THE FOLLOWING EVENTS HAVE OCCURRED:**

1 **(1) THE MANUFACTURED HOME IS OR WILL BE ATTACHED TO A**
2 **PERMANENT FOUNDATION;**

3 **(2) THE OWNERSHIP INTERESTS IN THE MANUFACTURED HOME**
4 **AND THE PARCEL OF REAL PROPERTY TO WHICH THE MANUFACTURED HOME IS**
5 **OR WILL BE AFFIXED ARE IDENTICAL; AND**

6 **(3) AN AFFIDAVIT OF CONVERSION COMPLYING WITH THE**
7 **REQUIREMENTS OF § 8B-202 OF THIS SUBTITLE HAS BEEN RECORDED.**

8 **8B-202.**

9 **(A) AN AFFIDAVIT OF CONVERSION SHALL CONTAIN OR BE**
10 **ACCOMPANIED BY:**

11 **(1) A DESCRIPTION OF THE MANUFACTURED HOME, INCLUDING:**

12 **(I) THE NAME OF THE MANUFACTURER, MAKE, MODEL**
13 **NAME, MODEL YEAR, DIMENSIONS, AND MANUFACTURER'S SERIAL NUMBER;**
14 **AND**

15 **(II) A STATEMENT WHETHER THE MANUFACTURED HOME IS**
16 **NEW OR USED;**

17 **(2) A COPY OF THE CERTIFICATE OF ORIGIN, IF AVAILABLE, AND**
18 **A COPY OF THE CERTIFICATE OF TITLE, IF AVAILABLE, FOR THE**
19 **MANUFACTURED HOME, AS PRESCRIBED UNDER TITLE 13 OF THE**
20 **TRANSPORTATION ARTICLE;**

21 **(3) A STATEMENT OF THE STREET ADDRESS AND LEGAL**
22 **DESCRIPTION OF THE PARCEL OF REAL PROPERTY TO WHICH THE**
23 **MANUFACTURED HOME IS OR WILL BE AFFIXED; AND**

24 **(4) A STATEMENT UNDER OATH FROM THE OWNER THAT:**

25 **(I) THE OWNERSHIP INTERESTS IN THE MANUFACTURED**
26 **HOME AND THE PARCEL OF REAL PROPERTY TO WHICH THE MANUFACTURED**
27 **HOME IS OR WILL BE AFFIXED ARE IDENTICAL; AND**

28 **(II) THE MANUFACTURED HOME IS FREE AND CLEAR OF ANY**
29 **LIEN, SECURITY INTEREST, OR ENCUMBRANCE.**

1 **(B) THE CLERK OF THE CIRCUIT COURT OF THE COUNTY IN WHICH THE**
2 **PARCEL OF REAL PROPERTY TO WHICH A MANUFACTURED HOME IS OR WILL BE**
3 **AFFIXED IS LOCATED:**

4 **(1) SHALL ACCEPT AN AFFIDAVIT OF CONVERSION AND ANY**
5 **ATTACHMENTS FOR RECORDATION AND INDEXING; AND**

6 **(2) MAY CHARGE A REASONABLE FEE FOR THE RECORDATION.**

7 **(C) THE OWNER OF THE MANUFACTURED HOME SHALL FILE A**
8 **CERTIFIED COPY OF THE RECORDED AFFIDAVIT OF CONVERSION WITH THE**
9 **MOTOR VEHICLE ADMINISTRATION.**

10 **8B-203.**

11 **IF A RECORDED AFFIDAVIT OF CONVERSION CONTAINS ANY INVALID OR**
12 **INCOMPLETE INFORMATION AS TO THE EXISTENCE OF ANY LIEN, SECURITY**
13 **INTEREST, OR ENCUMBRANCE AGAINST THE MANUFACTURED HOME:**

14 **(1) THE RECORDED AFFIDAVIT OF CONVERSION HAS NO LEGAL**
15 **EFFECT; AND**

16 **(2) THE MANUFACTURED HOME MAY NOT BE CONSIDERED AS**
17 **CONVERTED TO REAL PROPERTY.**

18 **SUBTITLE 3. SEVERANCE FROM REAL PROPERTY.**

19 **8B-301.**

20 **IF A MANUFACTURED HOME FOR WHICH AN AFFIDAVIT OF CONVERSION**
21 **HAS BEEN RECORDED IS TO BE SEVERED FROM REAL PROPERTY, THE OWNER**
22 **SHALL FILE AN AFFIDAVIT OF SEVERANCE AS PROVIDED UNDER §**
23 **8B-302 OF THIS SUBTITLE.**

24 **8B-302.**

25 **(A) AN AFFIDAVIT OF SEVERANCE SHALL CONTAIN OR BE**
26 **ACCOMPANIED BY:**

27 **(1) A STATEMENT IDENTIFYING THE OWNER OF THE REAL**
28 **PROPERTY FROM WHICH THE MANUFACTURED HOME IS TO BE SEVERED,**
29 **INCLUDING THE NAME, RESIDENCE, AND MAILING ADDRESS OF THE OWNER;**

1 **(2) A DESCRIPTION OF THE MANUFACTURED HOME;**

2 **(3) THE LIBER AND FOLIO NUMBER FOR AND THE RECORDATION**
3 **DATE OF THE AFFIDAVIT OF CONVERSION FOR THE MANUFACTURED HOME; AND**

4 **(4) A STATEMENT BY AN ATTORNEY ADMITTED TO PRACTICE LAW**
5 **IN THE STATE, OR A TITLE INSURANCE PRODUCER LICENSED BY THE STATE,**
6 **THAT STATES THAT THE MANUFACTURED HOME AND THE REAL PROPERTY**
7 **FROM WHICH THE MANUFACTURED HOME IS TO BE SEVERED ARE FREE AND**
8 **CLEAR OF ANY LIEN, SECURITY INTEREST, OR ENCUMBRANCE.**

9 **(B) AN AFFIDAVIT OF SEVERANCE SHALL BE ACKNOWLEDGED IN**
10 **WRITING AND NOTARIZED.**

11 **(C) THE CLERK OF THE CIRCUIT COURT OF THE COUNTY IN WHICH THE**
12 **REAL PROPERTY FROM WHICH A MANUFACTURED HOME IS TO BE SEVERED IS**
13 **LOCATED:**

14 **(1) SHALL ACCEPT AN AFFIDAVIT OF SEVERANCE AND ANY**
15 **ATTACHMENTS FOR RECORDATION AND INDEXING; AND**

16 **(2) MAY CHARGE A REASONABLE FEE FOR THE RECORDATION.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2012.